

## **Advance information on final exam Philosophy 167 Spring, 2008**

The final exam for this course will take place on Wednesday, June 11, from 11:30 a.m. to 2:30 p.m., in York Hall 4080A (our regular classroom).

The final exam will comprehend all course materials (required readings, lectures, and handouts). No use of books or notes will be permitted at any time during this exam. Somewhat more emphasis will be placed on course material not covered by the midterm assignment or the writing assignment.

The first hour and a half of the exam will consist of short-answer questions testing comprehension of course readings. At the end of this handout you will find some suggestions about how to prepare for this section of the exam. (Also, the short-answer questions from the final exam in 2005, have been placed at the course web page.). This section of the final exam will count for one-half of your exam grade.

The second hour and a half of the exam will require you to answer questions drawn from the list below. On the actual exam four or five questions will be posed and you will be asked to answer two of these posed questions—one from the A list and one from the B list. This section of the exam will count for one-half of your exam grade.

A1. Jeremy Waldron argues “that rights-based judicial review is inappropriate for reasonably democratic societies whose main problem is not that their legislative institutions are dysfunctional but that their members disagree about rights.” One of his arguments in support of this position is that “judicial review is democratically illegitimate.” State this argument by Waldron and attack or defend it.

A2. Are democratic political arrangements for the governance of a society intrinsically just, that is, just independently of any good results their operation might produce? Why or why not? Your discussion should consider Thomas Christiano’s arguments on this issue in his essay “Democracy as Equality”. (You might want to consider, not only whether political arrangements should be democratic or undemocratic, but the degree to which they should be democratic, if they should be democratic.)

A3. Many people believe that the U.S. Civil War was ultimately a conflict about the institution of slavery, but President Abraham Lincoln’s stated justification for going to war was to preserve the Union, that is, to stop a secession movement that would break up the United States. So imagine that several contiguous States of the U.S. propose to secede and form an independent nation. Under what conditions, if any, would such a secessionist movement be morally justifiable? On this issue do you agree with Allen Buchanan, Christopher Wellman, both, or neither? For what reasons?

B4. “When inequalities in income and wealth are the result of choices, not circumstances, the difference principle creates, rather than removes, unfairness.” The quoted statement criticizes Rawls’s difference principle from a luck egalitarian standpoint. Evaluate this criticism.

B5. Elizabeth Anderson and Samuel Scheffler attack the family of theories of justice that Anderson calls “luck egalitarianism” or “equality of fortune” and defend instead an approach that Anderson calls “democratic equality.” Defend some version of luck egalitarianism against the democratic equality critics or their democratic equality approach against luck egalitarianism.

B6. In “Distributive Justice, State Coercion, and Autonomy,” Michael Blake argues that states massively coerce their members, but not outsiders, and hence Rawlsian egalitarian principles of justice including the difference principle apply within each nation, but not across nations. In “The Problem of Global Justice” Thomas Nagel goes further, arguing that the concept of justice applies only where there is a state, and today there is no global state, so the concept of justice does not apply to the relations between people around the globe. In contrast, a cosmopolitan holds that the principles of justice hold across national borders, so whatever duties of justice we have toward fellow citizens, we have the same duties of justice to distant strangers who are not fellow citizens. Defend or attack cosmopolitanism. Your discussion should include assessment of some significant arguments by Blake and Nagel.

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## SOME GUIDES TO REVIEWING COURSE READINGS

In their opposed essays in *Is There a Duty to Obey the Law? (For and Against)* Christopher Wellman and John Simmons offer conflicting views on the title question of the book. Simmons is in certain ways close to Nozick’s view on “The Principles of Fairness.” The Arneson essay takes a line opposed to Nozick’s.

John Rawls, A Theory of Justice-----key terms and notions

Rawls's theory of justice as fairness is complex. Here is a check list of concepts that figure in Rawls's theory that a reader who has mastered the theory will recognize and understand. Besides the analytical table of contents with section headings, the index at the back of the book can be useful in tracking down Rawls's canonical formulations of key ideas.

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The basic structure of society

Primary goods as the basis of expectations (section 15)

Primary goods as what rational persons who give priority to developing and exercising their two moral powers for a sense of justice and a conception of the good would want (Revised edition Preface, pp. xii-xiii)

The basic liberties and the equal basic liberty principle

The difference principle. See also G. Cohen essay on what acceptance of the difference principle commits one to.

Fair equality of opportunity, contrasted with careers open to talents

The original position (chapter 3)

The veil of ignorance (section 24)

The formal constraints of the concept of right (section 23)

Maximin (chapter 3)

The lexical priority ordering

The main grounds for the priority of liberty (section 82)

The priority of the right over the good

Teleological versus deontological moral theories

Desert and distributive justice (section 48)

The principle of perfection (a rejected teleological view) (section 50)

Classical utilitarianism

Self-respect and the social bases of self-respect

The general conception and special conception of justice

In his essay, “Justice as Fairness: Political not Metaphysical,” Rawl does not repudiate his claims in the book, but he reframes them in a surprising way.

Should the difference principle, or more broadly the maximin conception of justice, be applied on a global scale, rather than country by country, and in each country, with respect to the members of that country only? Michael Blake suggests a No answer. In “The Problem of Global Justice” Thomas Nagel goes further, holding that in the absence of a functioning state, the idea of justice does not apply, and there is no global state today, so the idea of global justice has no application.

G. A. Cohen argues that if you accept Rawls’s egalitarian principles including the difference principle for the regulation of basic institutions, you are committed to acting to some degree in the conduct of your personal life to bring it about that the most disadvantaged members of society are as well off as they can be made. He considers and rejects Rawlsian reasons to reject what he is proposing.

Robert Nozick, *Anarchy, State, and Utopia*

Chapters 1-3—the argument against the individualist anarchist, for (something close to) the minimal state. Chapter 3, rights as side constraints to be respected not goals to be promoted. For another, opposed view see Sen, “Rights and Agency.”

Chapter 3, the experience machine example.

Chapter 3, arguments for Lockean moral rights

Chapter 4, how the arguments in this chapter complete the argument against the individualist anarchist.

Chapter 4, risks and rights, and should it be sometimes permissible to infringe another’s rights provided full compensation is paid to the person. See also the Railton essay, “Locke, Stock, and Peril.”

Chapter 5, the principle of fairness and Nozick’s objections to it. Why is this issue a crucial one for Nozick? The principle of fairness is discussed by John Simmons and by Wellman and rejected as a basis for political obligation, the duty to obey the law.

Chapter 7, Nozick’s entitlement theory of distributive justice.

End-state principles, patterned principles, and historical entitlement principles. The Wilt Chamberlain argument.

The criticism of Rawls, part 2 of chapter 7.

Section 8 considers and argues against a variety of considerations that might be urged in favor of a more than minimal state.

Amartya Sen, “Equality of Capacity.” If we are for equality, we should favor equality of basic capacities (real freedom), not equality of Rawlsian social primary goods.

In “Equality or Priority?”, Derek Parfit distinguishes two ideas, that are easily confused. Either one might be involved to justify equalizing people’s resources and opportunities, but according to one idea, how one person’s condition compares to other people’s matters intrinsically, and according to the other idea how one person’s condition compares to other people’s does not matter intrinsically at all.) Larry Temkin thinks that an argument concerning equality that Parfit takes to have some weight, the leveling-down objection, should not stampede the egalitarian into abandoning her position,

Ronald Dworkin, in “Justice in the Distribution of Health Care,” proposes a prudent insurance model to deal with the issue. He refers to arguments he makes elsewhere to the effect that insofar as we are for equality, we should be for equality of resources not equality of welfare. (Dworkin’s equality of resources idea gets explained only in course handouts, not in any course reading. Key ideas: brute luck versus option luck, the equal auction, the hypothetical insurance markets regarding marketable talent and handicaps, choice versus circumstance; ambitions, preferences I am glad to have versus preferences I would prefer not to have.)

Elizabeth Anderson and Samuel Scheffler criticize Dworkin in the course of criticizing a broader trend they label “luck egalitarianism.” Both favor instead an ideal Anderson calls “democratic equality.”

Democracy. Thomas Christiano urges that we have strong reasons to regard political democracy as intrinsically fair and just (rather than just and fair in virtue of the results it delivers). Jeremy Waldron argues that someone who is for political democracy should be against constitutionalism, or rather rights-based judicial review of legislation. Christiano’s and Waldron’s views may be contrasted with best results approaches to the justification of democracy and also deliberative democracy approaches.

Secession. Kit (Christopher) Wellman and Allen Buchanan adopt opposed positions on the question, under what conditions does a group that wants to secede from an established nation state have a moral right to do so. Buchanan is also concerned about the likely results of putting such a right into practice. Wellman proposes an answer to the question under what conditions and on what basis does a state have the moral legitimacy to compel those under its jurisdiction to support it and comply with its dictates. This proposal is different from the suggestion about what makes for the political legitimacy of a state that arises from the Hart-Rawls principle of fairness.